THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 7943 of 2007

Date:19-04-2007

Between:

Ch.Tirupathi .. **PETITIONER**

AND

The Dy.Superintendent of Police,Sircilla and three others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in interfering with the personal liberty and day to day life, as illegal and arbitrary.

The petitioner is the husband of the 4th respondent. It is stated that there are certain disputes between the petitioner and his wife and previously she made a complaint in the year 2005 for the offence punishable under Section 498-A IPC, but the same has been compounded and the said dispute has been settled and the proceedings under Section 498-A IPC have been settled before the Lok Adalat. It is stated that again the 4th respondent filed a complaint, which was registered in Crime No.108 of 2007 by the Station House Officer, Sircilla for the offence punishable under Section 498-A IPC. It is stated that the petitioner had obtained anticipatory bail on 02.04.2007 and even after obtaining anticipatory bail, the police are interfering with his personal life and liberty without any justification whatsoever.

I am of the opinion that merely because the petitioner obtained anticipatory bail, it will not preclude the Station House Officer to complete the investigation and file charge sheet or final report before the appropriate Court. If there is any illegal action on the part of the Station House Officer, it is for the petitioner to make a complaint before the Superintendent of Police or bring the same to the notice of the concerned magistrate in the pending crime. But, I am of the opinion that without making any representation with regard to the alleged illegal interference of his day to day life by the Station House Officer, no writ of mandamus can be issued.

Accordingly, the writ petition is dismissed. However, it is for the

petitioner to take appropriate steps as indicated above. No costs.

_____

V.ESWARAIAH, J.

Date:19.04.2007
CCM